

**MEETING SUMMARY REPORT**  
**William J. Green Federal Building**  
**76 N. 6<sup>th</sup> Street, Ceremonial Courtroom**  
**Philadelphia, PA 19106**

**June 24, 2005**

**Regulatory Enforcement Fairness Hearing**

**Total attendance:** 52

**Congressional attendance** 05

**RegFair Board in attendance** 00

**SBA personnel** 08

**Agencies attending** 09 (DOL/OSHA; EPA; USDA/FSIS; IRS-Taxpayer Advocate; IRS-Small Business/Self Employed Div.; DOL/Wage & Hour Div.; FDA; GSA; EEOC)

**No. of comments** 17

<b>Small Business Organizations</b>	<b>Point of Contact</b>	<b>Membership</b>
American Association of Meat Processors	Andrea Warfield	1,700
SBDC State Lead Center – University of PA-Wharton School	Nancy Crickman	103
PA Landscape & Nursery Association	Chad Forcey	750
Independent Miners & Associates	Earl Kieffer	95
<b>Total Represented</b>		<b>2,648</b>

## **Summary:**

## **Testifiers:**

### **1. Chad Forcey – Director - Government Relations - PA Landscape & Nursery Association**

DHS, DOL, OSHA: Constraints on immigration policies, in the name of national security jeopardize the industry's ongoing ability to meet their seasonal workload demands. Through the use of the DOL's H2B program the Landscape and Nursery industry has been able to bring workers from other countries to enter the U.S. for 10 months if employers can demonstrate a need. However, the Department of Homeland Security now administers H2B program and in March the H2B program hit its 66,000 person cap. Request that the program limits be adjusted and also the time it's taking to process the H2B applications be expedited.

### **2. Michael Glah – President - International Personnel Resources**

DHS, DOL, Department of State: Department of Homeland Security now administers H2B program and in March the H2B program hit its 66,000 person cap. As a small business recruiting company they are personally being impacted by the program limits and the processing time of the H2B applications.

### **3. Jerry Spear – President - Spear Products, Inc.**

USDA-FSIS: USDA-FSIS: FSIS Notice 17-05 dated 3/9/2005, is impacting they way they do business. Under this notice, The FSIS does not provide certification services of non-edible animal products; however, European standards require this. This procedural change is costing the research and non-edible animal byproduct industry millions in lost revenue. Request FSIS reverse its decision and continue to provide this much needed certification.

### **4. Judy O'Grady – Sr. Vice President – Regulatory, Quality – Integra Life Sciences Corporation**

USDA-FSIS: USDA-FSIS: FSIS Notice 17-05 dated 3/9/2005, is impacting they way they do business. Under this notice, The FSIS does not provide certification services of non-edible animal products; however, European standards require this. This procedural change is costing the research and non-edible animal byproduct industry millions in lost revenue. Request FSIS reverse its decision and continue to provide this much needed certification.

### **5. Chris Watt – Director - Quality Assurance – Kensey Nash**

USDA-FSIS: FSIS Notice 17-05 dated 3/9/2005, is impacting they way they do business. Under this notice, The FSIS does not provide certification services of non-edible animal products; however, this action is restricting compliance in required governmental and regulatory requirement and is also restricting the participation in commerce in the US and many other world markets. This procedural change is costing the research and non-edible animal byproduct industry millions in lost revenue. Request FSIS reverse its decision and continue to provide this much needed certification.

### **6. Andrea Warfield – Special Projects Director - American Association of Meat Processors**

USDA-FSIS: Testifying on behalf of the members of the association she represents, regarding the unfairness of inspection overtime and interstate shipment regulations.

### **7. Earl Kieffer – President of Independent Miners & Associates & Representative of Hegins Mining Co.**

DOL-Mine Safety & Health Administration (MSHA): Inspection Issues-Problems with the trend and manner that MSHA interprets and enforces regulations. Their small operation has been subject to burdensome, unreasonable inspections. Inspectors are unwilling to discuss logical alternatives and reasonable time frames to address cited problems.

**8. David Lucas – Representing D&D Anthracite & member of Independent Miners & Associates**

DOL-Mine Safety & Health Administration (MSHA): Problems with the trend and manner that MSHA interprets and enforces regulations. Their small operation has been subject to burdensome, unreasonable inspections. Inspectors are unwilling to discuss logical alternatives and reasonable time frames to address cited problems.

**9. Randy Rothermel– Owner- RS&W Coal Co., Inc. – member of Independent Miners & Associates**

DOL-Mine Safety & Health Administration (MSHA): Problems with the trend and manner that MSHA interprets and enforces regulations. Their small operation has been subject to burdensome, unreasonable inspections. Inspectors are unwilling to discuss logical alternatives and reasonable time frames to address cited problems.

**10. Mike Rothermel – Summit Anthracite – member of Independent Miners & Associates**

DOL-Mine Safety & Health Administration (MSHA): Problems with the trend and manner that MSHA interprets and enforces regulations. Their small operation has been subject to burdensome, unreasonable inspections. Inspectors are unwilling to discuss logical alternatives and reasonable time frames to address cited problems.

**11. Darryl Koperna – S&M Coal Co., - member of Independent Miners & Associates**

DOL-Mine Safety & Health Administration (MSHA): Problems with the trend and manner that MSHA interprets and enforces regulations. Their small operation has been subject to burdensome, unreasonable inspections. Inspectors are unwilling to discuss logical alternatives and reasonable time frames to address cited problems.

**12. David Himmelberger – R&D Coal Co., member of Independent Miners & Associates**

DOL-Mine Safety & Health Administration (MSHA): Problems with the trend and manner that MSHA interprets and enforces regulations. Their small operation has been subject to burdensome, unreasonable inspections. Inspectors are unwilling to discuss logical alternatives and reasonable time frames to address cited problems.

**13. Greg Showers – Tito Coal Co., member of Independent Miners & Associates**

DOL-Mine Safety & Health Administration (MSHA): Problems with the trend and manner that MSHA interprets and enforces regulations. Their small operation has been subject to burdensome, unreasonable inspections. Inspectors are unwilling to discuss logical alternatives and reasonable time frames to address cited problems.

**14. Cindy Rothermel – D&F Deep Mine – member of Independent Miners & Associates**

DOL-Mine Safety & Health Administration (MSHA): Problems with the trend and manner that MSHA interprets and enforces regulations. Their small operation has been subject to burdensome, unreasonable inspections. Inspectors are unwilling to discuss logical alternatives and reasonable time frames to address cited problems.

**15. Paul DiRenzo, Jr., - DiRenzo Coal Co., - member of Independent Miners & Associates**

DOL-Mine Safety & Health Administration (MSHA): The concern raised was that there is a problematic trend in the manner MSHA interprets and enforces regulations. There is a need for MSHA to assist mine and plant operators address any inadequacies/deficiencies, not penalize, or worse, close operations. Many Anthracite operators are questioning the integrity and intentions of MSHA enforcement. Mr. DiRenzo states that over the past five years his small operation has been subject to burdensome, unreasonable and dysfunctional inspections.

**16. Tammy Lockard –**

DOL-OSHA Division: Testified by phone on behalf of a small group of loggers who have problems with DOL-Occupational Safety and Health Administration (OSHA).

**17. George Coleman – Vitatrade and Dermedics Laboratories**

FDA: Testified by phone- Veteran owned small business and HubZone certified, engaged in the development and commercialization of health related products. He recently developed a head lice shampoo and conditions which is registered with the FDA as an OTC Homeopathic drug. Now he finds, that after all his efforts and expenditures they are forced to compete with products being promoted on the internet which make false and/or unsubstantiated claims. Many of these products want people to believe that they are “FDA Approved” but in reality they are not. The proliferation of these companies and products on the internet are causing harm to businesses such as his; that play by the rules. Can something be done to prod these agencies (FDA) into taking action and help the law abiding businesses such as his before they continue to suffer?